

**From:** Thom McConathy [mailto:thomm@pacifier.com]  
**Sent:** Thursday, May 18, 2006 7:16 PM  
**To:** Howard, Dave  
**Subject:** Fw: Phase 1 NPDES

Could you forward this to the right person for me?

Thaks

----- Original Message -----

**From:** [Thom McConathy](#)  
**To:** [Comments@ecy](#) ; [Comments Ecology](#)  
**Sent:** Thursday, May 18, 2006 12:37 PM  
**Subject:** Phase 1 NPDES

To: Department of Ecology  
Water Quality Program  
Phase I Stormwater Permits

From: Thom McConathy of Clark County Water Quality Resource Council  
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Responses to the proposed phase 1 NPDES permit

S1 page 1

There is a need to define the length of this permit, Many references are made with regard to timing that require this. The failure of DOT to renew this permit in a timely way has resulted in lower expectations of permittees and less building and subsequent water quality improvements that would have occurred had this been renewed six years ago. Yes we have lost many opportunities to stop degradation and improve already degraded waters because of DOE's incompetence.

S.3, page 3 of 4 line 15-40, 1-6

In the existing Clark County permit#WA-004211-1 pages 5-6 of 28 in S3 the requirements are different in that they require also that the permittee "reduce discharges of pollutants, reduce discharges to receiving waters and make progress toward compliance with surface water, ground water and sediment standards from Stormwater discharges to Municipal separate stormsewers the permittee operates. " This requirement is absent from the proposed permit. The proposed permit is supposed to build upon the present permit what is proposed seems in this instance to be of a lower standard. I do not find these above stated Clark County S3 requirements stated elsewhere or in equivalent ways in the proposed permit.

S4 Page-----

DOE has significantly withdrawn from its reliance and commitment toward TMDLs in this permit as compared to the last draft. This is a failure to meet the requirements of 33USC Chapter 1311(b) (1) (c). This combined with the failure for DOE to meet with the requirements of the Northwest Environmental Advocates settlement agreement for

establishing TMDLs on waters having 303d listings shows DOE's farther lack of commitment toward making progress toward correcting these deficiencies .

S5B page 6 of 28 in the existing Clark County Permit requires a comprehensive planning process that is integrated, interjurisdictional and is coordinated with other planning processes. \*\*\*\*\*??????????

S5C1 page---

The ordinances to support these requirements will be subject to public review/involvement but the interlocal agreements described in this section are not clearly subject to this requirement. If these agreements were subjected to this process the ensuing results could be better for this processes. These agreements should also be required to integrate goals and policies of previous watershed plans and toward correcting existing 303d deficiencies. Interlocal agreements were called for in the existing Clark County permit in S5B3iv but was but with out a specific date and enforcement for completion by DOE Clark County never undertook this requirement. A report of the intended scope, time frame for completion and with what entities the permittee is to prepare these agreements should occur in the first yearly report. DOE should build upon the first permit and not treat this as a new function never before required of the permittee.

S5C2bii page---

This was required of Clark County's present permit yet only little progress was made toward this requirement. The industrial requirement referred to in this section of the fact sheet is absent from the permit ( pg 29, line 10)

S5C3A Coordination

A report of the permittees Coordination Mechanisms needs to be made to DOE by a date specific that describes how the permittees are carrying out the inter and external coordination, who is involved, what agreements were arrived at, which agreements are still outstanding and how these agreements aid in the implementation of the SWMP. These Coordinating agreements must be incorporated into the SWMP and subject to public involvement/review, and review given these agreements by DOE with consideration given to public comments.

S5C4a Page 8 line 3 Public involvement

The fact sheet states clearly (page 29, Line 44) that the EPA requires public involvement and participation. The permit in this section only calls for involvement, this is a lower standard. Nowhere in the minimum performance measures is public participation called for. Just requiring the documents to be available on the web site is not enough. Public review of each submittal should be required, with DOE considering the public responses in its own review for adequacy and making it part of the public record.

S5,C,5,b,iii, Page 9 line 7 LIDs

Permittees need a model (AKART) for this prepared and approved by DOE. To ask this of permittees without such a model will invite chaos and could prove to have negative effects on water quality.

S5C5b,iv page 9 line 11, Dead lines for review

It is unclear in 2 as to who and for what the written response is for. There is a need for public involvement/participation in this process. I would hope that is what this written response is for. If not there is a need for public response/participation and a need for DOE to examine these submittals for adequacy giving consideration of public responses in the record.

S5,C, 5.b,vi, Page 9 line 10 #4

There is a need for inspection personnel to obtain and archive the Facility Operation Manuals required by the Western Stormwater Manual to be used in subsequent maintenance and operation of these facilities. Operation of these facilities with out these manuals as is often occurring now is resulting many facilities being operated outside the engineering/ design parameters to the detriment of out flowing water quality.

S5C6a Page 11 line 1-5 Structural Stormwater Controls

In the sentence "This program shall consider... I would propose to add A water shed approach is needed that addresses existing 303 D listings.

S5,C,6,b,I Page 11 line 21

In the line Permittees shall.... There is a need to base this on watershed work that takes the presence of 303-D listings into consideration.

S5,C, 6, fact sheet page 34 line 10 on

Why is DOE not subjecting this to public review and DOE is pointedly not exercising its authority to review these lists. DOE should be reviewing these lists and taking into consideration Public input and the record. to not do so is a violation of 33 USC chapter 1311(b)(1)(c). These rankings and the objective method of arriving at these rankings should not be placed beyond review

S5,C,8,b,I, page 14. line 36

There is a need for this program to be applied systematically throughout the urban area. This sort of objective standard is needed as is the need to complete percentage of the jurisdiction in each year of the permit that will result in 90+ percent of the jurisdiction being completed during the intended life of this permit. In my reading of this requirement DOE is requiring only a minimal and ineffective program with regard to this requirement.

S-5,C,8,b.vi, Page 17, line 8

One half of all streams and shorelines to me seems not enough. This permit is supposed to build on the first permit which also required an Outfall Reconnaissance but was only minimally carried out as DOE chose not to review or enforce this requirement. This is not a New requirement and there is the expectation that when this permit is completed in 10 years after the first permit was granted that this requirement should be completely done. DOE must review the permittees submissions for adequacy taking into consideration public comment and the public record.

S5,C,8<b,vii,(3) Page 17 line 27

There dose not appear to be a mechanism for reporting this requirement. Could this be incorporated into the annual report?

S5,C,8,C,ix, Page 17, line 37.

As above There dose not appear to be a mechanism for reporting this requirement. Could this be included in the annual report?

S5,C,9,b.(3) page 19 line 5

Four years is a long time to wait for this as it was also a function of the first permit. Since this is building on the first permit this should not be deferred.

S5C9biiiPage 19 line 40

DOE is letting the permittees off easy with this alternative to maintenance records. With out these records DOE can not tell if maintenance is really being done. With these records it is possible for DOE or citizens to determine if records are correct by physically checking the catch-basins.

S6A page 24 Line 15 SWMP for secondary and co-permittees

Waiting four to five plus years for this necessary program is waiting to long.

S6B page 24 line 30 Coordination

This coordination is called on in S5C3b for within the first 12 months. It is with these secondary and Co-permittees that this coordination is supposed to take place, therefore these should run concurrently.

S6F2 Public involvement

The 180 days prior to the expiration of this permit could if we were to take the state of the current permit into consideration could be years beyond the 4 to 5 years to wait for this. We have waited over 5 years for the Clark County permit and still do not have a new permit. We are asking that this be considered toward the beginning of the permit as many of these large co and secondary permittees have substantial impacts on water quality.

S6F3 Illicit discharges

This should done or coordinated with the permittee as this calls for more experience than exists in most smaller jurisdictions to which this would apply.

S7, page 35 and 36 TMDLs

DOEs commitment toward this program is less than the timely effort called for in the Northwest Environmental Advocates settlement on this issue. Restrictions within the permit that would require higher standards on basins that contribute toward specifically named 303D elements and where TMDLs have not been issued would to some effect satisfy the unmet needs represented by DOEs back log on issuing TMDLs. We have calculated that at the present rate DOE will not complete its unmet TMDL first time needs for almost 300 years.

S8 Page 36 Monitoring

Very little of a to d in the fact sheet has been completed by Clark County. We fail to see where this permit builds upon (a-d page 48 line 24 to 29)

S8, A, Page 36 Monitoring

This is too few of sites as to be meaningful. There should be sites above and below at least one outfall on each urban basin. It is not possible to accomplish the goals of this permit or fact sheet with so few stations.

S8, A,2,b, page 38

Surfactants need to be added to this list of categories as this is a major urban pollutant.

S8,B,2, page 39 line 12 –15

Monitoring should at a minimum include both Stormwater and recovery water monitoring. To only do only one or the other will sacrifice beneficial uses. This fails to build upon the present permit that requires both.

S8,C2, page 40 line 1-14 B

Vault systems need to be included here.

S8, D, 2 Page 42 line 1-4

Public involvement and review is needed of this document as well as review for sufficiency by DOE taking into consideration public comment.

S8 Monitoring

There is a need to allow for complex biological monitoring as an alternative to chemical monitoring. Some of these methods have been proven to as credible as traditional monitoring which is being required by this permit.

S9,A, Reporting requirements

There is plenty to include in an annual report from the first year this permit is finalized. Putting off this requirement till 2008 will eliminate almost 2 years of reporting. This report is vital to DOE and citizen groups monitoring and advocating for this resource.